

**Report of Preliminary Assessment for State Regulation**  
**of**  
**Electrologists**

Office of Professional Regulation  
November 1, 1999

# Report of Preliminary Assessment for State Regulation of Electrologists

## I. Introduction

Pursuant to 26 V.S.A. § 3105(d) and Part I, Administrative Rules for Procedure for Preliminary Sunrise Review Assessments of the Secretary of State's Office of Professional Regulation, the application for licensure of electrologists was received by the Office on May 27, 1999. A public hearing was noticed for and convened at 8:00 a.m. on August 10, 1999, to take testimony and receive supporting documentation. A deadline of August 24, 1999, was established for submission of any additional written comments or documentation, after which the record in this proceeding was closed.

The purpose of this proceeding was to evaluate and report on the appropriateness of professional regulation of electrologists according to the statutory criteria provided by 26 V.S.A. § 3105(d). That provision requires that:

26 V.S.A. § 3105(a)

(a) A profession or occupation shall be regulated by the state only when:

(1) it can be demonstrated that the unregulated practice of the profession or occupation can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is recognizable and not remote or speculative;

(2) the public can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(3) the public cannot be effectively protected by other means.

## II. Findings

1. On May 27, 1999, an application for preliminary sunrise assessment was submitted by the American Electrology Association through Teresa E. Petricca, CPE, Executive Director.

2. Electrolysis is the procedure performed to permanently remove hair from the human body. This is accomplished by inserting a fine, sterile needle into the hair follicle and applying a measured amount of electricity to produce heat or a chemical reaction to permanently destroy the hair follicle's germinating capacity.

3. Medically, electrolysis is classified as a “parenteral” procedure, which means that a foreign object enters the body from an outside source. Hypodermic and acupuncture procedures are also classified as parenteral.

4. Electrolysis is performed to address the condition of hirsutism as a symptom of systemic disease or endocrine disorders, as well as for cosmetic purposes.

5. Electrologists use an epilator to perform electrolysis. The Food and Drug Administration classifies the epilator as a medical device subject to general regulatory controls by that agency.

6. The Internal Revenue Service recognizes treatment by electrolysis as a medical deduction when prescribed by a physician to address a particular condition and when performed by a licensed practitioner.

7. Health insurance plans cover treatment with electrolysis when such treatments are prescribed by a physician.

8. Currently, 33 states regulate the practice of electrolysis, with varying regulatory requirements.

9. The educational standard recommended by the American Electrology Association is at least 200 hours of instruction in the theory of electrology and at least 400 hours of instruction in the clinical practice of electrology, for a total of at least 600 hours.

10. The American Electrology Association has established “Standards of Practice for Electrologists” (approved in 1994) and has promulgated “Infection Control Standards for the Practice of Electrology” (1991).

11. To the best of applicant’s knowledge, there are currently 26 individuals practicing electrolysis in Vermont. All practice independently in their own businesses.

12. Electrologists customarily practice independently. Some may practice as independent contractors in physicians’ offices, but none practices in this way in Vermont.

13. Applicant estimates that approximately 5,600 clients use electrolysis in Vermont each year.

14. Pitting and scarring of the skin can occur if electricity is improperly applied to clients during the electrolysis process. Different clients require different electricity voltages, depending upon skin type, coarseness of hair, and the like.

15. The needle used in the electrolysis process is inserted below the surface of the skin, thereby routinely breaking the blood barrier. Because the blood barrier is routinely broken,

electrolysis equipment should be sterilized before use, and infection control standards for blood-borne pathogens should be followed.

16. There is currently no regulation of electrolysis by the Vermont Department of Health or by any other State agency.

17. Acupuncturists and tattooists use needles to perform procedures below the surface of the skin. Both of these professions are currently regulated by the Office of Professional Regulation.

18. Applicant presented no evidence of actual harm being caused in Vermont by lack of regulation of electrolysis but stressed the possibility of transmission of blood-borne pathogens during electrolysis procedures.

19. Applicant has requested licensure as the level of regulation sought and membership on the Board of Barbers and Cosmetologists. When confronted with the expense of this type of regulation of a licensing board, applicant agreed that the less expensive type of regulation by the Director with advisors would be acceptable.

20. Because no actual harm to Vermont clients using electrolysis services has been demonstrated, this profession should not be regulated at the license level. Regulation at the certification level would be sufficient to protect consumers by making them aware of those practitioners regulated by the State and subject to requirements for initial eligibility and biennial renewal of certification.

21. If regulated, this profession would require inspection of equipment and premises of practitioners, to insure that proper sterilization and infection control procedures are followed.

### **III. Conclusions**

A. Pursuant to the findings set forth above, it can be demonstrated that the unregulated practice of electrolysis can clearly harm or endanger the health, safety, or welfare of the public through use of improper sterilization and infection control procedures, and the potential for the harm is recognizable and not remote or speculative. 26 V.S.A. § 3105(a)(1).

B. Pursuant to the findings set forth above, the public can reasonably be expected to benefit from an assurance of initial and continuing professional ability of electrologists through standard education and training requirements for certification. 26 V.S.A. § 3105(a)(2).

C. Pursuant to the findings set forth above, the public cannot be effectively protected by other means, because government regulation is required to effectively enforce education requirements and hygiene standards. 26 V.S.A. § 3105(a)(3).

D. Pursuant to the findings set forth above, it is necessary to regulate the occupation of

electrologist, under the least restrictive method of regulation consistent with the public interest. 26 V.S.A. § 3105(b).

E. Pursuant to the findings set forth above, the consumer may have a substantial interest in relying on the qualifications of the practitioner of electrolysis; therefore, regulation should be through a system of certification. 26 V.S.A. § 3105(b)(4).

#### **IV. Recommendations**

1. This profession should be regulated by the Office of Professional Regulation as a Director-regulated profession, with two practicing electrologists as advisors.

2. The level of regulation should be certification, because consumers have a substantial interest in relying on the qualifications of the practitioner.

3. The education requirement for eligibility for certification should be at least 600 credit hours (200 theory, 400 clinical practice).

4. Regulation of this profession should include inspection of equipment and premises to insure use of proper sterilization and infection control procedures.

Respectfully submitted this 1<sup>st</sup> day of November, 1999.

Thomas J. Lehner  
Director, Office of Professional Regulation